

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ROBERTS,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 1:22-cv-00131-DAD-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION TO PROCEED *IN*
FORMA PAUPERIS

(Doc. Nos. 2, 11)

Plaintiff David Roberts is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 13, 2022, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) be denied because: (1) he is subject to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations of plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (Doc. No. 11.) The magistrate judge also recommended that plaintiff be ordered to pay the required \$402.00 filing fee in full in order to proceed with this action. (*Id.* at 7.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*) To date, no objections have been filed, and the time in which to do so has since passed.

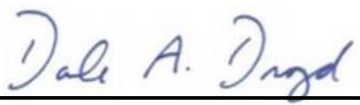
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
2 conducted a *de novo* review of the case. Having carefully reviewed the entire file, the
3 undersigned concludes that the findings and recommendations are supported by the record and
4 proper analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on April 13, 2022 (Doc. No. 11) are
7 adopted;
- 8 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 9 3. Within thirty (30) days from the date of service of this order, plaintiff shall pay the
10 \$402.00 filing fee in full in order to proceed with this action;
- 11 4. Plaintiff is forewarned that failure to pay the filing fee within the specified time
12 will result in the dismissal of this action; and
- 13 5. This matter is referred back to the assigned magistrate judge for further
14 proceedings consistent with this order.

15 IT IS SO ORDERED.

16 Dated: May 6, 2022

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19 UNITED STATES DISTRICT JUDGE
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